

- bring terrorists to justice for their crimes;
- isolate states that support terrorism and put pressure on them to force them to change their behavior;
- strengthen the means to fight terrorism in those countries that cooperate with the United States and need assistance.

The US struggle against terrorism is long-term, and if it is combined with the spread of democracy in the world, it can be a strategy for a century. At the same time, it is not known how intensely the struggle against the hotbeds of terrorism will be conducted, what will be the balance of forces at the global and regional levels, what rules of conduct will be established between the participants of the struggle, as well as those states that want to stand aside, etc. Even the leadership of the United States in the international antiterrorist campaign gives no reason to believe that the rest of the world will unconditionally accept everything that the United States does. Thus, modern international terrorism is not only a dangerous phenomenon, but also a fairly viable one. It is constantly transforming and adapting to changing conditions. Accordingly, the success of the fight against him will be associated with: a) a large number of participating countries involved by the United States; b) comprehensiveness of measures.

Список використаних джерел

1. US counter-terrorism strategy: experience, new challenges, a projection to the Asia-Pacific region – [<https://elibrary.ru/item.asp?id=27184261>].
2. How to fight terrorism in the Donald Trump era – [<https://www.brookings.edu/research/how-to-fight-terrorism-in-the-donald-trump-era/>].
3. Terrorism in the United States – [[https://en.m.wikipedia.org/wiki/Terrorism\\_in\\_the\\_United\\_States](https://en.m.wikipedia.org/wiki/Terrorism_in_the_United_States)].

***Ковтун О.,***

студент ННІ № 3 Національної академії внутрішніх справ

*Консультант з мови: Лопуцько О.А.*

## **EXPERIMENTS ON A HUMAN BEING – A CRIME OF THE XXI CENTURY**

The relevance of this topic is fueled by the pace of development of modern medicine. Finding a solution to a particular social problem, medicine is increasingly interferes in the field of human health, life and security, guaranteed by the state. We are always happy with the new discovery, the new technologies of treatment and the medicine itself, but we

are less how this was created and how many different experiments and tests were conducted by researchers, including humans, in order to get the long-awaited result. Thus, uncontrolled interference with the human genome can forever change the genetic component of humanity and lead to problems of global scale. In view of the hidden danger involved in the study of people, the state must exercise strong control over such activities in order to ensure the rights and freedoms of the subjects and the interests of society as a whole, as well as the prevention or cessation of possible abuses in this area.

Recognizing a person, her life and health, honor and dignity, inviolability and security with the highest social value, the Constitution of Ukraine established the principle of priority of human interests over the interests of science and society. In addition, in Part 2 of Art. 28 of the Constitution proclaims that no man without his free consent can be subjected to medical, scientific or other experiments. Today, the implementation of this constitutional provision is ensured by criminal and legal measures of influence, since the entry into force of the Criminal Code of Ukraine in 2001 (hereinafter referred to as the Criminal Code of Ukraine) introduced a norm on liability for the illegal conduct of experiments on a person (Article 142 of the Criminal Code of Ukraine). The emergence of such an innovation in criminal law meets the needs of not only Ukrainian society, but also the international community. Investigation of the grounds for criminal responsibility for the illegal conduct of experiments on a person has not only scientific but also practical value, since in the conditions of application of experimental methods of treatment, diagnostics, prevention and rehabilitation the protection and protection of the interests of the subjects becomes of special importance.

The purpose of the study is to determine the social precondition for the criminalization of the illegal conduct of experiments on a person, ascertaining his objective and subjective features.

The object of the study is the criminal legal counteraction to the illegal conduct of experiments on man.

The subject of the study is the criminalization of the illegal conduct of experiments on man and his criminal-legal characteristics.

The object of the crime, stipulated in Art. 142 of the Criminal Code of Ukraine, there are public relations regarding the protection of human life and health in the area of medical care of the population.

Direct object of the crime, stipulated by Art. 142 of the Criminal Code of Ukraine, there are social relations that ensure the conduct of experiments on man. In this case, the subject is the safety of experiments on a person.

Acts as a sign of the objective side of the crime consists in the illegal conduct of medical-biological, psychological and other experiments on man.

According to Article 45 of the Fundamentals of Ukrainian Health Law, the use of human experiments in humans is permitted with a socially beneficial purpose, provided that it is scientifically substantiated, the benefits of possible success in the risk of causing grave consequences, full awareness and voluntary (as a rule, written) consent of the person subject to experiment

In view of this, the significance of the purpose of the act in conducting research to distinguish the clinical trial from the trial becomes evident. The purpose of the act in this case becomes important because the direction of the actions of the subject conducting the study characterizes the acts as criminal or not criminal. In the case of committing acts aimed at the investigation of medicinal products in order to achieve a greater socially useful purpose than is caused by the study itself, there is no criminal act as such, and hence there is no objective aspect of the crime.

A comment to the Criminal Code of Ukraine explains to law enforcers that doctors should refrain from conducting experiments on a person or stop a study if it becomes known that the danger is extremely high compared to the results that can be obtained as a result of the experiment.

In the event of a violation of the Procedure for carrying out clinical trials, such acts also become of a criminal significance and become an objective part of the crime envisaged by Article 142 of the Criminal Code of Ukraine.

The trial is an experiment, an attempt to recreate something new, something that did not exist before, in order to test it.

In particular, in accordance with the Constitution and other laws of Ukraine, there are:

1) medical, scientific and other experiments on patients, prisoners, prisoners of war, and therapeutic experiments - on people whose diseases do not have direct connection with the purpose of the trial;

2) any experiments carried out without the free consent of the person and complete and objective awareness of the able-bodied patient about his health, the purpose of the proposed experiments, the prognosis of possible development of the disease, the risk to life and health. If the patient has not reached the age of 15, recognized by a court incapable or physically unable to report his decision, the trial is possible only with the consent of his legal representatives, and in the case of a person aged 15 to 18 years or recognized as having a limited capacity, as well as for her consent;

3) medical and biological experiments on a person who do not meet the aggregate of the following conditions:

- a) the existence of a socially useful purpose;
- b) scientific substantiation;
- c) the benefits of their possible success in the risk of causing grave health or life consequences;
- r) publicity;
- e) conducting them only in accredited health care institutions.

The subject of the crime in question is a person who is physically convicted, who has attained the age of criminal responsibility and is a specialist who carries out his professional duties in securing his experiments and protects the life and health of the subjects.

The subjective aspect: the crime under consideration can be characterized as a mixed or reckless form of guilt. The mental attitude of the subject to a socially dangerous act can be expressed in the form of direct intent or criminal negligence, and to socially dangerous consequences - in the form of criminal self-confidence or criminal negligence.

On the basis of the study of health care legislation, it is concluded that there are legally established conditions for the legitimate conduct of medical and biological experiments on humans. These conditions are taken as the basis for the development of the author's project conditions, under which the medical-biological test is considered legitimate. These are the following:

- 1) a public benefit purpose;
- 2) scientific substantiation;
- 3) the advantage of possible success in the risk of causing serious health or human health consequences;
- 4) voluntary informed consent of the subject and (or) her legal representatives;
- 5) conduct an experiment in accredited health care institutions.

The specified conditions, taking into account the specific features, can be applied both to therapeutic and scientific researches, and also serve as a benchmark for the development and consolidation at the legislative level of the conditions for carrying out psychological experiments on a person and for improving existing legal norms.

Consequently, we arrive at the conclusion that the facts of carrying out experiments (including illegal ones) over a person exist: they are not isolated acts and at the same time are not of a mass character. The scope of their application is rather narrow and specific, and they can be carried out only by a person with special knowledge.

Absolutely no judicial practice under Art. 142 of the Criminal Code of Ukraine for the entire period of the new Criminal Code of Ukraine clearly indicates serious problems with the procedural feasibility of prosecution for this crime. In general, the investigation of medical crimes has serious difficulties that some researchers associate not only with the above circumstances but also with the use of a specific conceptual apparatus of medical or pharmaceutical nature, as well as the lack of special medical knowledge from investigators and court.

Список використаних джерел

1. The Criminal Code of Ukraine of 05.04.2001 № 2341-III // BBP - 2001, Art. 142
2. Statute of Ukraine "On the basis of the legislation of Ukraine on health care" of 19.11.1992 // VVR. -1993. - № 4. - Art. 19, art. 44-45.
3. Andrushko P.P., Arsenyuk T.M., Bantyshev O.F. etc. Scientific and practical commentary on the Criminal Code of Ukraine. - K.: Alerta, CST, Center for Educational Literature, 2009.- 1: 2009. - 964 p.
4. Gizimchuk Y. V. Questions of the qualification of illegal conduct of experiments on a person (Article 142 of the Criminal Code of Ukraine) // Visnyk Lugansk State University of Internal Affairs. - 2008 - №3 - P. 42-50.
5. Yegorova V.O. The object of illegal conducting experiments on a person (Article 142 of the Criminal Code of Ukraine) / / Problems of jurisprudence and law enforcement. - 2008. - № 1. - P. 190-197.
6. Kuts B. M. Theoretical and applied aspects of the problem of the subject of the crime // Bulletin of the University of Internal Affairs. - 1996 - № 1 - P. 17-23.
7. Melnyk M.I., Khavronyuk M.I. Scientific and Practical Commentary of the Criminal Code of Ukraine - 7th form., Processing. and supplement - K.: Legal Opinion, 2010 -1288 p.
8. Tychasha V.P. Problems in crimes against public safety / Herald of the Academy of Legal Sciences of Ukraine. - № 5. - P. 153-160.